TABLE OF CONTENTS 1 2 **PAGE** 3 TABLE OF CONTENTS i 4 TABLE OF AUTHORITIESii 5 INTRODUCTION 1 6 STATEMENT OF FACTS 3 7 The Premises at Issue Were Licensed to Mr. Byington's Α. 8 The Premises at Issue Were Maintained by the Hawaii Air National Guard Pursuant To Licensing Agreements With 9 В. 10 C. The HIANG Asbestos Management Program at Hickam AFB .. 4 11 12 13 I. 14 THE LAW UNDER THE FEDERAL TORT CLAIMS ACT 9 II. 15 Α. 16 The Discretionary Function Exception Of The FTCA 10 B. 17 III. 18 19 A. The United States Did Not Violate Any Self-Imposed 20 21 The United States' Actions Were Susceptible Of Policy В. 22 23 24 25 26 27 28